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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/513,090	02/25/2000	Pulin R Patel	067191.0113	7780

7590 07/09/2004

Baker Botts LLP
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EXAMINER

FERRIS, DERRICK W

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 07/09/2004

[Handwritten number 16]

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/513,090

Applicant(s)

PATEL ET AL.

Examiner

Derrick W. Ferris

Art Unit

2663

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: Clare discloses a distributed topology learning method in order to find the location of various neighboring nodes. In purposing the method, Clare discloses two embodiments: (1) adding a new node and (2) create a network for disorganized nodes, see e.g., column 8, lines 1-6. It is important to note that for the purpose of the rejection the examiner has combined various steps from each embodiment as they read on the claims.

As such, applicant first argues the limitation "after reconfiguring the wireless node, transitioning the wireless node to a normal operation state in response to determining the operational data is within predefined parameters" is not taught by Clare. Examiner respectfully disagrees. In particular, the further step of "in response to determining operational data is within predefined parameters" is taught by the further action of being able to receive updates from other nodes joining the system. In other words, if the operational data is not within the predefined parameters then the node would not be able to receive further updates and would "time-out", see e.g., column 14, lines 12-35. When a new node is started up it has an initial idea of the relative position of other active nodes/inviting nodes based on predefined operational data along with operational parameters used to initiate communication with these nodes. As the new node leaves the learning state, the new node has a better understating of the location of other active nodes/inviting nodes (one could argue an "exact location" of these nodes) based on the revised operational data received from these nodes which is further used to adjust operational parameters to optimize communication with these nodes. Thus the operational data is within predefined parameters since the new node is able to communicate with the inviting node/other active nodes.

Applicant further requests clarification on the limitation "collecting operational data in the learning state and modifying the operational parameters based on the operational data". Examiner notes many variations of the above limitation are taught throughout the reference, e.g., see column 8, lines 23-27; column 15, lines 1-42, and column 20, line 56 - column 21, line 41. For example, the microprocessor 20 is adapted modify the programming based on these parameters, see e.g., column 19, lines 5-15 and column 20, line 56- column 21, line 41. In particular, during self-organizing a new node initially knows a relative location of other nodes, see e.g., column 8, line 15. As the new node becomes more organized by receiving operational data from inviting nodes and other active nodes (such as communication and interference topologies, see e.g., column 15, line 5) the new node further refines the location of these nodes and thus further adjusts its operational data, see e.g., column 17, lines 17-44.

As for the obviousness rejection, in addition to the passages cited by the examiner in the rejection, Clare also teaches that a node can reinitialize and thus leave the normal operating state and enter the learning state to relearn the network topology..



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